IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 1565 of 2005

Between:

B.Gaffar son of Masood Ali, aged about 40 yrs

Businekss, resident of H.No.2-11/Ramalakota,

Veldurthi Mandal,Kurnool district.

..... PETITIONER

AND

1.The Government of A.P. rep. by

Principal Secretary, Transport

Department, Government of A.P.

Secretariat, Hyderabad.

2.The Secretary, Regional Transport

Authority, Kurnool district, Kurnool.

3.The Motor Vehicle Inspector, Dhone town,

Kurnool District, Kurnool.

4. The Station House Officer, Vveldurthy

Police Station, Veldurthy, Kurnool.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the third respondent seizing the lorry bearing No.ADT 9185 vide check report No.0210927 dated 21-7-2004 near Veldurthi, Kurnool is being illegal arbitrary, unconstitutional and against the M.V.Rules and provisions of M.V.Act of 1988 and contrary to Articles 14,16 and 21 of the Constitution of India.

Counsel for the Petitioner: MR.S.M.SUBHANI.

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following:

ORDER (Per the Hon'ble Sri Justice T.Ch.Surya Rao)

The petitioner herein seeks writ of Mandamus against the respondents directing them to release the vehicle bearing No. ADT 9185.

The third respondent herein inspected the vehicle under his check report No.0210927 on 21-7-2004 and found the quarterly tax of the vehicle was due as on 30-6-2004, fitness certificates expired and Insurance Coverage is lapsed and therefore, he seized the vehicle. The petitioner filed the present writ petition seeking to assail that order and for release of the vehicle.

It is obvious from the matrix that the petitioner has not approached the concerned authority seeking release of the vehicle. I n ***Saleem Tours and Travels v Joint Transport Commissioner and Secretary, Regional Transport Authority, Hyderabad*** the Division Bench of this Court laid down indicia to be followed in all cases where the vehicles are seized and the release thereof was sought for. In view of the said judgment, it is appropriate to direct the petitioner to approach the concerned authorities to seek release of the vehicle by making proper representation, in which event, it is for the 1st

respondent to dispose of the same preferably within a period of two weeks from the date of such representation.

With the above direction, the Writ Petition is disposed of. No order as to costs.

M.H.S.ANSARI, J

T.CH.SURYA RAO, J

Dated:03-02-2005.

Hsd

Note: Issue copy on

Priority basis.

B/O

Hsd

Asst. Registrar

To

1.The Principal Secretary Government of A.P.

Transport Department, Government of A.P.

Secretariat, Hyderabad.

2.The Secretary, Regional Transport

Authority, Kurnool district, Kurnool.

3.The Motor Vehicle Inspector, Dhone town,

Kurnool District, Kurnool.

4. 2 C.Cs to G.P. for Transport, High Court buildings,

Hyderabad (OUT)

5. 2 CD copies.

6. The Station House Officer, Vveldurthy

Police Station, Veldurthy, Kurnool.